

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS**

**Call to Order:** Chair Harry Klock, on March 9, 2011 at 3:00 PM, in Room 172 Capitol

#### **ROLL CALL**

**Members Present:**

Rep. Harry Klock, Chair (R)  
Rep. Robyn Driscoll, Vice Chair (D)  
Rep. Keith Regier, Vice Chair (R)  
Rep. Carlie Boland (D)  
Rep. Douglas (Doug) Kary (R)  
Rep. James Knox (R)  
Rep. Austin Knudsen (R)  
Rep. Mary McNally (D)  
Rep. Jesse O'Hara (R)  
Rep. Ken Peterson (R)  
Rep. Mike Phillips (D)  
Rep. Derek Skees (R)  
Rep. Sterling Small (R)

**Members Excused:** Rep. Wayne Stahl (R)

**Members Absent:** Rep. Gary MacLaren (R)  
Rep. Mike Menahan (D)

**Staff Present:** Todd Everts, Legislative Branch  
Cara Gold, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 205, 3/7/2011; SB 233, 3/4/2011; SB 246, 3/4/2011; SB 285, 3/4/2011  
Executive Action: SB 7; SB 285; SB 205

00:00:05 The Chairman welcomed the committee and reviewed the committee agenda and rules.

**HEARING ON SB 246**

**Opening Statement by Sponsor:**

00:01:25 Sen. Alan Olson (R), SD 23, opened the hearing on SB 246, Revising regulated telecommunications provider laws.

00:04:04 Rep. Stahl entered the hearing.

**Proponents' Testimony:**

00:04:46 David Gibson, Qwest Communications

00:06:18 Rep. MacLaren entered the hearing.

00:07:11 Rep. Stahl left the hearing.

00:12:23 Mary Wright, Montana Consumer Council

00:13:25 Geoff Feiss, Montana Telecommunications Association

00:14:37 Phil Maxwell, 3 Rivers Telephone Cooperative

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:15:53 Sen. Olson

**HEARING ON SB 285**

**Opening Statement by Sponsor:**

00:16:19 Sen. Alan Olson (R), SD 23, opened the hearing on SB 285, Revise geologic carbon sequestration laws to comply with federal regulations.

**Proponents' Testimony:**

00:17:26 Tom Richmond, Montana Board of Oil and Gas Conservation

00:18:46 Leo Barry, Great Northern Properties

00:19:12 Anne Hedges, Montana Environmental Information Center (MEIC)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:19:55 Sen. Olson

**HEARING ON SB 205**

**Opening Statement by Sponsor:**

00:20:23 Sen. Alan Olson (R), SD 23, opened the hearing on SB 205, Limit supply service in another utility's territory.

**Proponents' Testimony:**

00:22:21 Terry Holzer, Yellowstone Valley Electric Cooperative

00:23:05 John Fitzpatrick, NorthWestern Energy (NWE)

00:26:53 Doug Hardy, Montana Electric Cooperatives' Association (MECA)

[EXHIBIT\(feh53a01\)](#)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

00:30:15 Sen. Olson

**HEARING ON SB 233**

**Opening Statement by Sponsor:**

00:32:43 Sen. Jim Keane (D), SD 38, opened the hearing on SB 233, Generally revise environmental impact laws.

**Proponents' Testimony:**

00:35:28 Leo Berry, Attorney, Great Northern Properties

00:47:52 Chris Cavazos, Montana State AFL-CIO

00:48:45 Todd O'Hair, Cloud Peak Energy

00:52:00 Debbie Shea, Montana Mining Association

00:52:40 Rep. Peterson left the hearing.

00:53:16 Don Allen, Western Environmental Trade Association (WETA)

00:53:42 Rep. Menahan entered the hearing.

00:57:56 Cary Hegreberg, Montana Contractors Association

[EXHIBIT\(feh53a02\)](#)

01:02:38 Rep. Peterson returned to the hearing.

01:04:03 Dave Galt, Montana Petroleum Association

01:05:03 John Bennion, Montana Chamber of Commerce

01:06:30 John Forkan, Montana State Building and Construction Trade Council and The  
State Association of Plumbers and Pipefitters

01:07:38 Tammy Johnson, Revett Minerals

01:09:57 Dan Flynn, IBEW

01:10:06 Jason Toddhunter, Montana Logging Association

01:10:52 Bud Clinch, Montana Coal Council

01:11:48 Patrick Heffernan, Montana Wood Products Association

01:12:08 Rep. O'Hara left the hearing.

**Opponents' Testimony:**

01:13:06 Bob Haseman, Self

01:15:40 Mark Aagenes, Montana Trout Unlimited

01:16:56 Rep. O'Hara returned to the hearing.

01:18:01 Anne Hedges, MEIC

01:26:22 Deborah Hanneman, Self

01:26:50 Rep. Regier left the hearing.

01:27:52 Gayle Joslin, Northern Plains Resource Council (NPRC)

[EXHIBIT\(feh53a03\)](#)

[EXHIBIT\(feh53a04\)](#)

01:29:23 Rep. Phillips left the hearing.

01:31:23 Rep. Regier and Rep. Phillips returned to the hearing.

01:32:29 Brianna Randall, Clark Fork Coalition

[EXHIBIT\(feh53a05\)](#)

01:36:11 Janet Ellis, Montana Audubon

01:36:41 Rep. Klock left the hearing.

01:37:11 Rep. O'Hara left the hearing.

01:40:38 Julia Page, Self

01:41:22 Rep. Kary and Rep. Knudsen left the hearing.

01:42:04 Rep. Klock returned to the hearing.

01:42:53 Rep. MacLaren left the hearing.

01:45:18 David Tyler, Montana Conservation Voters

01:45:52 Rep. Kary, Rep. Knudsen and Rep. MacLaren returned to the hearing.

01:48:01 Shiloh Hernandez, Self

**Informational Testimony:**

01:52:32 Richard Opper, Department of Environmental Quality (DEQ)

**Questions from Committee Members and Responses:**

01:53:53 Rep. Phillips

01:54:41 Sen. Keane

01:55:34 Rep. Phillips

01:56:06 Sen. Keane

01:56:33 Rep. Phillips

01:57:20 Sen. Keane

01:58:04 Rep. O'Hara returned to the hearing.

01:58:08 Rep. Phillips

01:59:03 Richard Opper

01:59:23 Rep. Phillips

01:59:50 Richard Opper

02:00:34 Rep. Driscoll

02:01:00 Sen. Keane

02:01:16 Rep. Driscoll

02:01:18 Sen. Keane

02:01:26 Rep. Knox

02:02:15 Sen. Keane

02:03:58 Rep. Knox

02:04:53 Anne Hedges

02:05:34 Rep. Regier

02:06:21 Sen. Keane

02:06:48 Rep. Skees

02:07:34 Leo Berry

02:08:57 Rep. Skees

02:09:29 Carey Hegreberg

02:10:43 Rep. Skees

02:11:15 Richard Opper

02:11:39 Rep. Skees

02:11:46 Richard Opper

02:11:57 Rep. MacLaren

02:12:13 Leo Berry

02:12:37 Rep. MacLaren

02:12:43 Leo Berry

02:13:26 Rep. MacLaren

02:13:38 Anne Hedges  
02:14:16 Rep. McNally  
  
02:14:39 Rep. Driscoll left the hearing.  
  
02:14:57 Anne Hedges  
02:16:38 Rep. Phillips  
02:17:02 Sen. Keane  
02:17:33 Rep. Phillips  
02:17:53 Richard Oppen  
02:17:56 Rep. Phillips  
  
02:18:09 Richard Oppen  
  
02:18:12 Rep. Driscoll returned to the hearing.  
  
02:18:24 Rep. Skees  
02:18:44 Richard Oppen  
02:19:35 Rep. McNally  
02:20:02 Anne Hedges

**Closing by Sponsor:**

02:20:43 Sen. Keane  
  
02:24:50 Rep. Klock

**EXECUTIVE ACTION ON SB 285**

02:25:43 **Motion/Vote:** Rep. Regier moved that **SB 285 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Stahl voted by proxy. Rep. Knox will carry the bill.

**EXECUTIVE ACTION ON SB 205**

02:26:32 **Motion/Vote:** Rep. Regier moved that **SB 205 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. Stahl voted by proxy. Rep. Klock will carry the bill.

**EXECUTIVE ACTION ON SB 7**

Executive Action was previously taken on SB 7 on 03/02/2011

02:27:42 **Motion:** Rep. Regier moved to **RECONSIDER THE MOTION** on **SB 7**.

**Discussion:**

02:27:50 Rep. Driscoll  
02:28:04 Todd Everts, Legislative Services Division (LSD)

02:29:14 Rep. MacLaren

02:29:15 Rep. McNally left the hearing.

02:29:24 **Motion/Vote:** Rep. O'Hara moved to **REMOVE THE AMENDMENT ON SB 7**. Motion carried 15-0 by voice vote. Rep. McNally voted by proxy. Rep. Stahl was not present and did not vote.

02:30:00 **Motion/Vote:** Rep. Regier moved that **SB 7 BE CONCURRED IN**. Motion carried unanimously by voice vote. Rep. McNally and Rep. Stahl voted by proxy. Rep. Stahl will carry the bill.

**ADJOURNMENT**

02:31:02      Adjournment

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Cara Gold, Secretary

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**Additional Exhibits:**

**[EXHIBIT\(feh53a06\)](#)**

Additional Documents:

**EXHIBIT([feh53aad.pdf](#))**